

## Daniela's Cantina Policy on Alcohol Service

We must treat our guests like guests in our homes. It makes their visit more personal, fun, repetitive and affects tipping. However, front-line service personnel play a major role in controlling situations involving customers. We want our guests to have a great experience at Daniela's. They will not have pleasant memories if they, anyone in their party, or another guest in their vicinity is over-served alcohol. To promote great evenings we must carefully control the alcohol consumption of our guests and be ever vigilant to the possibility of problems before they can arise.

Everyone serving alcohol at Daniela's has been schooled in alcohol intervention techniques. In order to serve alcohol in Framingham you must have a Framingham Liquor Server I.D. You cannot receive this card without an Alcohol Intervention (TIPS) course. So, obviously, everyone reading this is aware of state and local laws. This booklet is intended as a refresher course, and to clearly state certain policies about alcohol service, that are perhaps more stringent than those of the local authorities.

### The following are absolute rules for alcohol service:

1. We never will serve an intoxicated guest.
2. We never will serve a guest into the point of intoxication.
3. We never want to let a guest we are worried about drive away.
4. We do have guidelines and limits to the amount we will allow a guest to drink at our establishment.
5. We will not serve a guest more than 4 margaritas, other mixed drinks, or glasses of wine. We will not serve a guest more than 5 regular beers or 6 light beers. These are considered **maximums** for large people who have eaten. Guests weighing less than 150 pounds, or who have not eaten, should be served less, under the guidelines of rules 1 and 2.

There are four major factors that may influence an individual's blood-alcohol level:

- The amount of alcohol a person drinks, not the number of drinks (e.g. a large margarita has more alcohol than a glass of wine, which has more alcohol than a light beer).
- Food consumption; whether a person has eaten before starting to drink or is eating while drinking.
- Weight.
- Time between drinks

Using these factors to help monitor a guest's alcohol consumption may help in deciding whether or not the guest may continue to be served.

### ANTICIPATE PROBLEMS BEFORE THEY OCCUR.

1. Size: This refers to the guest body size as well as type. Observe male or female, large, average, muscular or pudgy. Then cast each guest into a category:
  - A. Small - 1 to 2 drinks in the first hour
  - B. Medium - Large up to 2 drinks in the first hour
2. Interview: This either confirms or changes your original diagnosis. Be friendly. Find out if s/he is under stress or depressed. If he has a cold, find out if he is on medication. Check his eyes to see if they are glassy or bloodshot. Find out if they have been drinking

elsewhere. Chat with the guest to find out if his/her speech is slurred, loud or impaired. If a person is drinking, try to get them to eat. If they are drinking too fast, make sure water is served to the table, and do everything in your power to slow or stop drink service.

### **WHAT IS AN INTOXICATED PERSON?**

The law generally defines an intoxicated person as one who manifests these familiar symptoms: Slurred speech, clothing in disarray, loud and with poor balance.

Here are some basic indications that a person is getting intoxicated:

1. Drinking too fast
2. Carelessness with money
3. Complaining about drink prices or the check
4. Complaining about drink strength or preparation
5. Overly friendly to customers or employees
6. Annoying to other customers
7. Losing train of thought or concentration
8. Becoming detached or brooding
9. Making too many comments about others in the establishment
10. Losing track of time and of the surroundings

### **HERE ARE A FEW OTHER INDICATIONS THAT A PERSON IS PROBABLY INTOXICATED**

1. Drowsiness
2. Loud, argumentative, mean or obnoxious
3. Entertaining, boisterous, animated behavior
4. Spilling drinks
5. Altered speech patterns, slurred speech
6. Losing eye contact, unable to focus
7. Tries to light cigarettes indoors
8. Difficulty functioning
9. Loss of muscle control, clumsiness
10. Change of gait, stumbling, bumping into things.

If we have an intoxicated person on our hands, we have a problem. The problem is that the server of alcohol is liable and the intoxicated person may harm himself or others.

**An intoxicated person must be SHUT OFF. The customer must be told this as quietly and politely as possible.**

Since YOU are the person in most direct contact with the customer, it is directly your responsibility to size up your customers continuously so that you are not surprised by someone who suddenly and mysteriously becomes intoxicated.

Serving an intoxicated person is grounds for DISMISSAL.

**PAY ATTENTION, KEEP YOUR EYES OPEN, STAY ALERT, AND IT WON'T HAPPEN TO YOU!**

When in doubt, consult your Manager.

## **HOW TO REFUSE SERVICE WITHOUT CREATING A BIGGER PROBLEM**

Refusing service is the SERVER'S RESPONSIBILITY. The unnecessary intrusion of a third party, (manager, bar supervisor) may anger the person who is being shut off. The manager, should, of course, be consulted and kept aware of the status of any such customer. S/he should back you up, if they do not, they better have a very good reason and are assuming responsibility for a potential problem.

Don't judge or appear to judge by using emotionally charged or accusing words such as DRUNK or OUT OF HAND. These terms and comments open up the possibility of a debate.

USE NON-JUDGEMENTAL STATEMENTS, such as:

1. "I'm sorry, but I've served you all that I can."
2. "I'm sorry, but I can't bring you another margarita, but I'd be happy to give you a free soda or cup of coffee."
3. "I value you as a customer and I'm concerned that another drink will cause you problems."
4. "I'm sorry, but if I serve you another drink, we might lose our liquor license."
5. "I'd appreciate it if you slowed down and did not order another drink."
6. "You should be aware that we are a new business, and the Framingham police are watching very closely as our customers leave. I don't want to cause you any trouble."

If they say, "but I'm not drunk." Your reply should be: "I know that, sir, and it is my job to make sure you stay that way."

Offer coffee, soda or water. Explain that you are concerned his/her Safety and well being.

Make the statement and walk away. It is hard for the customer to argue with you if you are elsewhere. If a problem develops, and the customer gets offensive and or unwilling to accept your decision, send for the manager.

Your responsibility extends beyond simply shutting the customer off. Make sure that the other bartenders and servers are aware of the customer and the fact that you have shut him/her off. If a person is intoxicated, do not let them drive! Make sure a designated driver is available. If not, tell the customer that you will be happy to call a cab for them. Our policy is to provide cab fare for any patron rather than taking the risk of having the liability for a drunk driver. If a person who is drunk is argumentative and insists on driving, tell them that we will be forced to call the police if we suspect a person who might be driving intoxicated.

## **MAINTAIN COMPOSURE, BE POLITE, STRESS PUBLIC SAFETY AND THE LAW!**

In all circumstances, note the date, and hour of the incident in the logbook kept at the host station (a copy of the incident report is included in the last page of this manual). Also, include names of our staff who handled it, and a brief summary of what transpired. Something could come up months or even years later.

## **THIRD PARTY LIABILITIES AND DRAM SHOP LAWS**

It has been determined that bartenders and waitpersons are ultimately responsible for whether a guest should be served ONE MORE. You could face the same liability as the restaurant, should a guest who has been overserved becomes involved in an accident.

### **1. Who can sue?**

Anyone injured by an intoxicated person. The injured person and his/her family both have the right to sue.

### **2. Who can be sued?**

The Waitperson, Bartender or Restaurant Owner. Usually not the drunk driver, unless he is very wealthy.

### **3. What must the person who is suing show?**

The lawful sale or giveaway (to a known habitual drunkard, intoxicated person, minor) of alcoholic beverage to who later caused an accident or injury. The sale (or giveaway) of alcohol after hours can also constitute a suit.

### **4. What can the person who is suing get?**

Monetary recovery for actual damages suffered, medical bills and loss of support plus pain and mental distress – also “Punitive” and “Exemplary” Damages.

Additionally, if you serve an intoxicated person and that person leaves the premises and harms himself or someone else in an automobile accident or in any other way directly related to his intoxication (let’s say the person says he is walking, gets drunk, and walks in front of a car on route 9), you and the restaurant may be held financially responsible for the damages caused.

**We expect all persons under the age of thirty to be carded! The final responsibility lies with the person serving the drink!**

## **Our I.D. Policy**

The following outlines our policy with regard to the various forms of identification you will be presented:

1. Massachusetts Drivers License.  
We accept them as the SOLE means of identification, as long as it is a valid I.D. Any I.D. that shows obvious damage or distress should alert you to a possible problem.
2. Out-of-state Picture I.D.  
All out of state picture licenses must be compared with our I.D. Booklet (which is kept at the bar) for authentication. In addition, all out of state picture licenses require TWO additional pieces of I.D. as back up
3. Military Picture I.D.  
We accept it if it has a date of birth, no alterations are visible and it is clearly that person’s picture, with two other forms of I.D.

4. **Massachusetts Liquor I.D. with picture**  
The registry provides these for persons without a license or for a licensed driver from another state. We accept it only with two other forms of identification.
5. **Passports**  
We accept them only if there is a picture and an unaltered date of birth, and with two additional forms of back-up identification.

In summary, all forms of picture identification other than a valid Massachusetts Drivers License require two additional pieces of legitimate back-up identification.

What is a valid back-up identification?

- Credit Cards
- Social Security Card
- Automobile Registration
- Birth Certificate
- Pay Stub
- College I.D.
- Employment Identification

### **How to Check I.D.s**

The following should be checked on all I.D.s:

1. License expiration date.
2. Date of Birth (check for alterations).
3. Notations as to "Duplicate."
4. Mass. Seal on Mass. licenses should be over pictures. date of birth is repeated in tiny print over both picture, and on the back.
5. Check for loose or detached laminations, do not accept these I.D.s without back-ups
6. Check the back of the I.D. ; phony I.D.s are occasionally poorly done here.
7. Check the picture of the person carefully.
8. Check the person's height as noted on the I.D. for discrepancies.

IF YOU SUSPECT THE I.D. HAS BEEN ALTERED OR I PHONY OR NOT THE PERSON PICTURED, TRY THESE TESTS (WHILE HOLDING THE I.D. IN YOUR POSSESSION):

- Ask the person to recite their Social Security/License Number
- Ask the person their middle name
- Ask the person their Zodiac sign (and note any hesitation in their answer). We keep a list of all Zodiac Signs on the back page of our I.D. booklet
- Ask the person their height as printed on the I.D.
- For out-of-state I.D.s, ask the person what their state capital is, and note any hesitation or incorrect answers
- Ask what their Zip Code is

IF YOU GET A PHONY I.D., YOU MUST CONFISCATE IT, NOTIFY THE MANAGER, AND MAKE A LOG ENTRY. THE POLICE MUST BE INFORMED!

## **COLLEGE I.D.S**

No one is allowed to purchase alcoholic beverages without one of the 5 primary forms of identification listed above. College I.D.s are not allowed as Proof of Age, they may only be used as a second form of picture verification.

One last note on age verification... No matter how careful we are, someone, someday is going to present us with a perfect set of phony identification. We would have to be experts to spot a flaw. We are not expected to be experts, but we are expected to be careful, vigilant and persistent. Let's say a person presents perfect identification that he is 21 on a Monday. He comes back in on Tuesday; you must card him again. Just make sure that people you know are under 25 are always carded, because on the day you relax, and don't card him will be the day that someone shows up with a badge. Do you think he will volunteer to show that person his fake I.D.? He'll say he is under 21 and we never asked for his card! Busted!

## **SERVE ALCOHOL RESPONSIBLY!**

Serving alcohol to a minor, or getting a customer drunk can cost us our liquor license, and places your job in jeopardy. Failure to abide by our liquor policies can result in serious consequences.

Bartenders need to be aware that they are not doing anyone a favor by pouring strong drinks. We lose drink sales when drinks are too strong, people can't order as many, and ultimately the bartender suffers loss of tip money. Customer may ask for a strong drink, but you are not doing them any favors by giving it to them. If you give a one hundred and eighty pound man 3 two-ounce drinks without food in an hour and half, they will be close to being drunk. They might be slightly impaired, but they probably won't blow over .08. Our Margaritas call for 2 ounces of liquor, total, that is 1 ½ ounces of tequila, and ½ ounce of Triple Sec, Gran Marnier or Cointreau. If you give the same person 3 four-ounce drinks, forget about it. They are drunk, an accident waiting to happen! Guess who will be blamed? Not the customer who said, "hey, make sure I can taste the tequila!"

We do not serve people more than one drink at a time. The only exception is a "shot and a beer." And shots must be served judiciously. We do not give people more than 2 shots ever. If someone is drinking shots, a problem is probably a short ways away. Find out from the person's friends what is going on, make sure there is a designated driver, or preferably a limo driver. Once again, it is simply too dangerous to ever let a person get drunk in our establishment. The risks far outweigh the benefits.

If a person asks for a drink for someone else, "at his table, who is coming soon, or in the rest room" you must ask them to identify who the drink is for, and verify the age of the person the drink is for before serving it; this is the oldest trick in the book for a minor trying to purchase alcohol.

If you are ever in doubt as to the validity of an I.D. please consult the manager on duty. Do not risk your job and our liquor license.

## **OTHER THINGS TO KEEP IN MIND**

We do not allow the use of, or sale of drugs on the premises. Drugs around a restaurant are known to be common by the ABC and police. If you see drug use, or suspicious behavior by employees or customer please talk to the Owner of the Restaurant immediately.

Parents are not allowed to purchase alcohol for their underage children.

All alcohol must be consumed on the premises. No drinks or bottle may leave the premises under any circumstances.

They are no drinks "To Go."

Double cocktails are against the law in Massachusetts.

Serving a pitcher of beer to one person is against the law in Massachusetts.

Serving a full bottle of wine to one person is against the law in Massachusetts.

If a person comes in off the street who is obviously drunk we cannot serve them. We also cannot let them get back in their car and drive away. Once they have walked through our door, they are our problem. Tell them you are concerned about them getting in an accident if they attempt to drive. Try to get their keys, and help arrange alternative transportation, i.e. get them into a cab. Tell them if they insist on driving, that you will be forced to call the police. If they refuse to listen to reason, call the police immediately. The drunk probably won't thank you at the time, but they would be lucky to spend a night with the Framingham Police under protective custody, rather than losing their license for 2 years after getting an OUI.

**THE STAKES ARE TOO HIGH FOR YOU TO TAKE ANY RISK, EVER!**

# Incident Report

When an intoxicated person causes injury, the licensee and his employees may be held legally accountable. To avoid being charged with negligent or reckless serving, the licensee must show evidence of *Responsible Business Practices*. An incident report provides the evidence that steps were taken to protect the patron from injuring himself or anyone else.

Date of incident (MM/DD/YY): \_\_\_\_\_

Time of incident: \_\_\_\_\_ circle:    am    pm

Server: \_\_\_\_\_

Manager on duty: \_\_\_\_\_

Name or description of patron(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe event: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Approximately how long was the patron in the establishment: \_\_\_\_\_

Were the police notified? \_\_\_\_\_

Level of intoxication, circle one:    No Problem    Potential Problem    Borderline    Intoxicated

Number of drinks served: \_\_\_\_\_

Were non-alcoholic drinks offered? \_\_\_\_\_ Accepted? \_\_\_\_\_

Was alternate transportation offered? \_\_\_\_\_ Accepted? \_\_\_\_\_

Additional alcohol intervention methods or comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



# REFUSAL OF SERVICE REPORT

LOCATION \_\_\_\_\_ DATE \_\_\_\_\_  
REPORT WRITTEN BY \_\_\_\_\_ TIME \_\_\_\_\_

NAME OF PATRON \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY/STATE \_\_\_\_\_  
DESCRIPTION/OBSERVATION OF PATRON \_\_\_\_\_

SERVERS ON DUTY \_\_\_\_\_

MANAGER ON DUTY \_\_\_\_\_

SERVICE REFUSED BY \_\_\_\_\_ TIME \_\_\_\_\_

BAR TAB YES NO (COPY AND ATTACH TO REPORT)

## PHYSICAL DESCRIPTION REPORT

SEX	RACE	HEIGHT	WEIGHT	AGE
-----	------	--------	--------	-----

HAIR

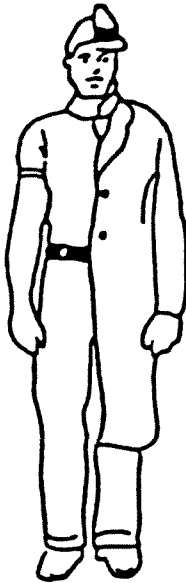
EYES

GLASSES TYPE

TATTOOS

SCARS/MARKS

COMPLEXION



HAT

TIE

COAT

SHIRT

TROUSERS

SHOES

AUTOMOBILE (LICENSE NUMBER, MAKE, COLOR)

## OBSERVATIONS

DESCRIBE TYPE AND COLOR OF CLOTHES: \_\_\_\_\_

CONDITION OF CLOTHES: ☐ DISORDERLY ☐ DISARRANGED ☐ SOILED  
☐ MUSED ☐ ORDERLY

BREATH (ALCOHOL ODOR): ☐ STRONG ☐ MODERATE ☐ FAINT ☐ NONE

ATTITUDE: ☐ POLITE ☐ HUMOROUS ☐ TALKATIVE ☐ CAREFREE ☐ SLEEPY  
☐ COCKY ☐ COMBATIVE ☐ INDIFFERENT ☐ INSULTING  
☐ PROFANE ☐ COOPERATIVE

UNUSUAL ACTION: ☐ BELCHING ☐ VOMITING ☐ FIGHTING ☐ CRYING  
☐ LAUGHING ☐ HICCOUGHING

SPEECH: ☐ NOT UNDERSTANDABLE ☐ MUMBLED ☐ SLURRED ☐ CONFUSED  
☐ MUSH-MOUTHED ☐ THICK-TONGUED ☐ ACCENT ☐ FAIR  
☐ GOOD ☐ SPEECH IMPEDIMENT

EYES: ☐ BLOODSHOT ☐ WATERY ☐ GLASSY

COMPLEXION: ☐ FLUSHED ☐ PALE ☐ OTHER

INDICATE OTHER UNUSUAL ACTIONS OR STATEMENTS, INCLUDING WHEN FIRST OBSERVED: \_\_\_\_\_

PATRON'S ACTIONS & COMMENTS:

### CHECK STEPS TAKEN

\_\_\_\_ OFFERED NON-ALCOHOLIC BEVERAGES  
\_\_\_\_ OFFERED FOOD  
\_\_\_\_ OFFERED TO CALL ANOTHER PARTY  
\_\_\_\_ SUGGESTED/CALLED A CAB

WAS PATRON ALONE? YES NO  
DID PATRON DRIVE? YES NO

THE FACTS RECORDED ABOVE ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

SIGNATURE \_\_\_\_\_ SUPERVISOR \_\_\_\_\_ DATE \_\_\_\_\_